

## **REMARKS**

The Application has been carefully reviewed in light of the Office Action dated June 30, 2008. In this response, claims 22, 28, 31-33, and 37-42 are amended, claims 24-26, and 34-36 are canceled without prejudice or disclaimer, and no claims are added. Accordingly, claims 22-23, 27-33, and 37-42 are pending. Further examination is respectfully requested.

As an initial matter, Applicants are currently in the process of obtaining a translation of the Chinese Office Action which is requested by the Examiner. Applicants will submit the translation to the Examiner as soon as we received the translation.

### **Specification**

The title of the invention has been amended as required by the Office Action.

### **Claim Objections**

Claims 22-31 are objected to for usage of the functional language "configured to". While Applicants respectfully disagree with the Examiner's assertion, in order to expedite prosecution, Applicants amended claim 22 and the subsequent dependent claims of claim 22 to "configured that" to further clarifies that claim 22 recites the structure of the information processing apparatus.

Furthermore, in lieu of the present Amendment, the objection of claim 22 in item No. 7 of the Office Action is believed to be overcome. As such, withdrawal of the objection of claim 22 is respectfully requested.

### **Rejections under 35 U.S.C. §112**

Claims 22-31 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In lieu of the present Amendment, the rejections of claim 22 and its dependent claims are believed to be overcome. As such, withdrawal of the rejections of claims 22-31 is respectfully requested.

Rejections under 35 U.S.C. §101

Claims 31-41 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Also, claims 32 to 41 are rejected at least as being dependent upon independent claim 31.

Applicants respectfully disagree with the Office Action's assertion because claim 31 is not an independent claim, and claims 32-41 are not dependent upon claim 31.

Amended independent claim 32 is directed to a method for information processing using a database to store registered trademark image information and genuine-product-specific information corresponding to a product name. The method claim as recited in claim 32 is a statutory claim type under 35 U.S.C. §101. As such, the claim rejections of claim 32 and its dependent claims are believed to be overcome.

Rejections under 35 U.S.C. §102

Applicants respectfully traverse the rejections of claims 22-26, 30-36, and 40-42 under 35 U.S.C. §102(b) over US Patent No. 5,974,150 (Kaish).

In lieu of the present Amendment, the rejections of claims 24-26 and 34-36 are now moot. As such, withdrawal of the rejections of claims 24-26 and 34-36 is respectfully requested.

According to an aspect of the present invention, amended independent claim 22 includes a determining unit configured that determines whether a product is a genuine product, a counterfeit product, or the product is neither a genuine product nor a counterfeit product.

The applied art, Kaish, is seen to teach an authentication system for authenticating an object (i.e., a label) by providing at least two levels of security, a physical level, provided by an observable feature an authentication certificate, and an information level, provided by encoding a unique characteristic of the authentication certificate (such as the observable feature) and/or object to be authenticated in a marking on the certificate.

While Kaish may teach determining whether an object (label) is a counterfeit product, Kaish fails to disclose or suggest determining that the product is neither a genuine product nor a counterfeit product when the determining unit determines that the

product data input by the input unit does not include the registered trademark image information in the database corresponding to the product name input in the input screen (emphasis added), as recited in claim 22.

Kaish merely teaches determining whether a label is authentic. As disclosed in Kaish, a user interface may include an LCD display to indicate a device status, such as authentic label, counterfeit label, misread label, and the like. (col. 26, ln. 10-14, Kaish) However, Kaish is not seen to teach at least the above-noted feature of determining a label is neither a genuine product nor a counterfeit product.

Based on the foregoing, Applicants respectfully submit that Kaish is not seen to anticipate the invention recited in amended independent Claim 22 because the Kaish does not explicitly or inherently teach at least the foregoing features of claim 22. As such, Applicants respectfully request the Examiner to withdraw the rejection and indicate claim 22 as allowable at the Examiner's earliest convenience.

In addition, amended independent claims 32 and 42 include a feature that is substantially similar as that of the foregoing feature of claim 22. More specifically, "a third determining step of determining whether the product is a genuine product, a counterfeit product or neither a genuine product nor a counterfeit product, in accordance with a determination result in the first determining step and the second determining step". Moreover, Claims 32 and 42 are rejected based on the same reasons as claim 22. Consequently, claims 32 and 42 are also believed to be in condition for allowance for at least the same reasons discussed above with respect to claim 22. Applicants respectfully request the Examiner to withdraw the rejection and indicate claims 32 and 42 as allowable at the Examiner's earliest convenience.

The other pending claims that are rejected under 35 U.S.C. § 102(b) are each dependent from the independent claims discussed above and are therefore believed to be in condition for allowance for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merit is respectfully requested.

Rejections under 35 U.S.C. §103

Applicants respectfully traverse the rejections of claims 27-30 and 37-40 under 35 U.S.C. § 103(a) over Kaish in view of Official Notice. Since claims 27-30 and 37-40 depend from independent claims 22 and 32, Applicant submits that these claims are believed allowable at least for the reason that they depend from one of allowable base claims. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merit is respectfully requested.

**CONCLUSION**

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact Applicants' representative at the telephone number below.

Respectfully submitted,

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/Trevor Chuang/

Date

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